client at start-up." Instead, at column 5, lines 19-31, Wlaschin simply discloses the components of a computer.
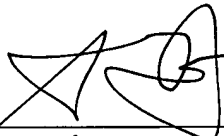
As to claims 15 and 19, Gayman fails to disclose "the software program, upon execution, retrieves the portion from the server if not stored in the second location." Instead, Gayman discloses at column 5, lines 50-57, cyclic multicasting of an image file to multiple client machines.

As to claim 16, Gayman does not disclose "the contents of the second location are procured as a background operation." Instead, at column 7, lines 59-67, Gayman discloses noting if the image file needs to be transmitted at a next cycle of the same multicast session.

In conclusion, the references cited by the Examiner simply do not contain or suggest the subject matter claimed in this application. For that reason, the application is in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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within the allotted time period." Instead, Gayman discloses at column 6, lines 45-54, multiple client machines downloading portions of the image file partway through a current transmission cycle of a multicast session.

As to claim 8, Gayman does not disclose "a software program that, upon execution: scans a first location associated with portions of a file system that have been previously stored by the system; and scans a second location associated with portions of the file system that have been streamed to the system by a server." As to claim 22, Gayman does not disclose "storing instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period." As to claim 23, Gayman fails to disclose "instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period are executed once." Instead, at column 4, lines 6-21, Gayman discloses a multicast server application that can create an image file which contains the contents of the complete disk or partition image of the disk for distribution to a group of client machines. Additionally, at column 6, lines 34-45, Gayman discloses that multiple client machines can download an image file partway through the transmission.

As to claims 10 and 18, Wlaschin fails to disclose "the non-volatile storage medium is a flash memory device." Wlaschin, at column 5, lines 27-31, fails to mention a flash memory device.

As to claim 13, Wlaschin fails to disclose "the first location comprises portions of the file system used by the

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during the next cycle to a client machine that missed downloading portions of the image file.

As to claim 5, Wlaschin does not disclose "monitoring accesses to a plurality of portions of the file system during start-up; retrieving the plurality of portions from the file system; and storing the plurality of portions in the first location." Instead, Wlaschin at column 6, lines 24-28 and column 10, lines 58-63 discloses storing a journal partition on the disk, and a library partition and archive partition on the same or different storage devices within the server.

As to claim 6, Gayman fails to disclose "retrieving a plurality of portions from the file system using multicasting; and storing the plurality of portions in the second location." As to claims 20 and 21, Gayman fails to disclose "storing instructions that cause the processor-based system to determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system by a server using a multicast operation" and "storing instructions that cause the processor-based system to wait for the portion to be stored in the second location by the multicast operation." Instead, Gayman discloses, at column 6, lines 38-45, multicasting a copy of an image file to the first client machine, and allowing other client machines to download portions of the image partway through the transmission.

As to claim 7, Gayman does not disclose "waiting for the portion to be streamed to the client if not stored in the second location." As to claim 24, Gayman does not disclose "storing instructions that cause the processor-based system to: determine whether the portion will be stored in the second location within an allotted time period; and retrieve the portion from a server if not stored in the second location

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stored by the client; and if not, determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server." Instead of the claimed method, the cited portion of Wlaschin, at column 7, lines 35-51, discloses storing original text as read only text and storing updates in the local partition.

Gayman also fails to disclose "determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server." Instead, the cited portion of Gayman, column 6, lines 34-61, discloses a multicasting session that lets multiple client machines download an image file while the image file is still being downloaded to the first client machine.

As to claim 2, Wlaschin fails to disclose "retrieving the portion from the server if not stored in the second location." Instead, Wlaschin at column 10, lines 37-42 discloses searching local journal partitions and then searching remote partitions in order.

As to claim 3, Wlaschin fails to disclose "associating portions of the file system used by the client during start-up with the first location." Instead, Wlaschin discloses, at column 10, lines 25-31, reconstructing original data from a read-only partition and ensuring integrity of the system by representing the original data with a unique identification number.

As to claim 4, Gayman fails to disclose "associating the second location with portions of the file system that were streamed to the client using a multicast operation." Gayman at column 6, lines 54-60 discloses sending the image file again

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